

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GREGORY PAUL STEPHENS,)
)
 Petitioner,)
)
 vs.) NO. CIV-08-1145-D
)
)
 JUSTIN JONES,)
)
 Respondent.)

ORDER

Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U.S.C. §2254. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings.

Judge Bacharach filed a Report and Recommendation [Doc. No. 20] in which he recommended that the petition be denied. Because Petitioner timely objected to the Report and Recommendation, the matter is reviewed *de novo*.

As explained in detail in the Report and Recommendation, Petitioner challenges his conviction and sentence in Case No. CF-2005-408, District Court of Pottawatomie County, Oklahoma. Petitioner was convicted of assault and battery with a dangerous weapon and possession of a firearm, both after prior felony convictions. His conviction and sentence were affirmed by the Oklahoma Court of Criminal Appeals (“OCCA”); thereafter, Petitioner unsuccessfully sought post-conviction relief. He then filed this habeas action.

In the Report and Recommendation, the Magistrate Judge considered in detail each of the eleven bases asserted by Petitioner in support of his claim for habeas relief. The Magistrate Judge

examined the record with regard to the OCCA rulings on each of the issues, including the factual contentions and the OCCA's application of Oklahoma law. The Court has reviewed the detailed discussion in the Report and Recommendation and concludes that it constitutes an accurate and thorough explanation of the law as applied to the facts in the record. The Magistrate Judge also accurately described the standards governing federal habeas review of state court decisions. That analysis need not be repeated here, but is adopted as though fully set forth herein.

The Court has also reviewed Petitioner's objection to the Report and Recommendation. The objection consists of Petitioner's statements disagreeing with the recommendations as to each of his claimed bases for habeas relief. Those conclusory statements do not contain argument or authority, and provide no basis for altering the recommendation of the Magistrate Judge.

Accordingly, having reviewed the matter *de novo* and having fully considered the factual record and the governing law, the Court adopts the Report and Recommendation [Doc. No. 20] as though fully set forth herein. Accordingly, the petition for habeas relief is DENIED.

IT IS SO ORDERED this 30th day of December, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE